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IN THE CIRCUIT COURT OF THE THIRD CIRCUIT

STATE OF HAWAII

GEORGE L. TADEO, Individually and as)	CIVIL NO. 03-1-0260
the Special Administrator of the Estate of)	
KAU'ILANI TADEO, TUMATA H.)	PLAINTIFFS' SECOND REQUEST FOR
TADEO,)	ADMISSIONS, FOR ANSWERS TO
)	INTERROGATORIES AND FOR
Plaintiffs,)	PRODUCTION OF DOCUMENTS TO
)	DEFENDANT ELLEN PEARL DAVIS;
vs.)	EXHIBITS "A-B"
)	
MARK DAVIS, JR., MARK DANIEL)	
DAVIS, ELLEN PEARL DAVIS, JOHN)	
DOES 1-20,)	
)	
Defendants.)	
)	

**PLAINTIFFS' SECOND REQUEST FOR ADMISSIONS, FOR ANSWERS TO
INTERROGATORIES AND FOR PRODUCTION OF DOCUMENTS TO DEFENDANT
ELLEN PEARL DAVIS**

Comes now Plaintiffs GEORGE L. TADEO, Individually and as the Special Administrator of the Estate of KAUI'LANI TADEO, and TUMATA H. TADEO, by and through their attorney, JOY A. SAN BUENAVENTURA, and hereby requests Defendants MARK DAVIS, JR., MARK DANIEL DAVIS, and ELLEN PEARL DAVIS, to admit the following requests for admissions pursuant to Rule 36 of the Hawaii Rules of Civil Procedure, answer the following interrogatories pursuant to Rule 33 of the Hawaii Rules of Civil Procedure, and produce the following requested documents pursuant to Rule 34 of the Hawaii Rules of Civil Procedure.

EXHIBIT

B 1

Please be advised that pursuant to Rules 33 and 34 of the Hawaii Rules of Civil Procedure, these interrogatories, requests for admissions and requests for production of documents mailed to you on November 17, 2005 are due to be answered within 30 days of receipt thereof. Such answers and responses are to be made under oath and failure to answer may subject the Defendant to sanctions under Rule 37 of the Hawaii Rules of Civil Procedure.

Please take notice that each interrogatory and request for production is considered continuing; and if the Defendant obtains information, which renders any answer incomplete or inaccurate, the party is obligated to reasonably supplement or amend the incomplete or inaccurate answer(s).

Dated: Hilo, Hawaii, November 17, 2005.



JOY A. SAN BUENAVENTURA
Attorney for Plaintiffs

INSTRUCTIONS

As used herein, the term “**Incident**” refers to the incident of September 27, 2001, wherein Defendant MARK DAVIS, JR. allegedly assaulted Kau’ilani Tiarau Lucas-Tadeo.

The term “**Incident Site**” refers to the house where the body of Kau’ilani Tairau Lacuas-Tadeo was found. .

The term “**Plaintiffs**” refers to GEORGE L. TADEO, Individually and as the Special Administrator of the Estate of KA’UILANI TADEO, and TUMATA H. TADEO.

The term “**document**” refers to all written, recorded or graphic matters, however procured or reproduced, whether or not privileged, and includes, but is not limited to: records, notes, summaries, schedules, contracts, agreements, sketches, reports, forecasts, appraisals, telexes, cables (whether or not received or sent), faxes, birth certificates, death certificates, tapes, transcriptions, notes, correspondences, memoranda, interoffice communications, diaries, contracts, drawings, plans, estimates, permits, ordinances, minutes of meetings, billings, checks, telegrams, letters, pictures, sounds or symbols or combinations thereof, recordings, photographs, graphs, tables, pictures, deeds, and any form of media or instrument such as computer diskettes, and the like.

The term “**identify**”, with respect to a **person**, means to set forth the following:

- a. All names and aliases of that person.
- b. The current or last known residence and business address and telephone number of such person(s).
- c. The current or last known occupation of such person.
- d. The current or last known employer of such person.

The term “**identify**”, with respect to **documents**, means to:

- a. Describe such document in detail with sufficient particularity so that the custodian of such document will be able to recognize it;
- b. Identify the custodian of such document;
- c. Identify the document’s author; and
- d. State the date, if known, the document was either received, written, drawn or otherwise made.

The term “**Defendant**”, “**you**” and/or “**your**” refers to ELLEN PEARL DAVIS, individually and as guardian of MARK DAVIS, JR.

The above terms may be in bold or in capital letters or in regular type but will have the same definitions stated above.

In answering these interrogatories, Requests for Admissions and Requests for Production of Documents, you are required not only to furnish such information as you know of from your own personal knowledge **but also information which is in the possession of your attorneys or their agents or anyone else acting in your or on their behalf.**

In responding to Requests for Production of Documents, you are required not only to furnish those documents in your possession but also those in your attorneys’ or their agents’ possession and those in your control; i.e. those retrievable by you through your authorization, and those in the possession and/or control of your agents.

If your answer to any of the following interrogatories does not fit in the space provided, you may add pages to complete your answer.

INTERROGATORY 1

As to Mark Davis, Jr.'s disability:

- a) When did you determine or find out that Mark Daniel Davis, Jr. had a learning disability, physical, emotional or social disorder?

Answer:

- b) Describe Mark Davis, Jr.'s disability.

Answer:

- c) List all the names and addresses of physicians and therapists that you and/or Mark Daniel Davis contacted for Mark Davis, Jr.'s disability.

Answer:

REQUEST FOR ADMISSIONS 1

Plaintiffs request that Defendant admits she was given Notice by Pahoa Elementary School about Mark Davis, Jr.'s harassment of Scarlett Johnson; referred to in Exhibit "A", attached hereto..

Answer:

INTERROGATORY 2

If you deny Request for Admissions 1, please describe in detail, all reasons for your denial, and all evidence in support of your denial and all persons who are witnesses in support of your denial.

Answer:

INTERROGATORY 3

If you admit Request for Admissions 1, please describe in detail what you and/or Mark Daniel Davis did in response to such notice, all evidence in support of your actions or inactions and all persons who witnessed you or Mark Daniel Davis' actions or inactions described herein.

Answer:

REQUEST FOR ADMISSIONS 2

Plaintiffs request Defendant to admit that she was notified by Pahoa Elementary School about Mark Davis, Jr. 's harassment of schoolgirls; referred to in Exhibit "B", attached hereto..

Answer:

INTERROGATORY 4

If you deny Request for Admissions 2, please describe in detail all reasons for your denial, all evidence in support of your denial and all persons who are witnesses in support of your denial.

Answer:

INTERROGATORY 5

If you admit Request for Admissions 2, please describe in detail what you and/or Mark Daniel Davis did in response to such notice, all evidence in support of your actions or inactions and all persons who witnessed you or Mark Daniel Davis' actions or inactions described herein.

Answer:

INTERROGATORY 6

Please describe as best you can, your knowledge as to how Mark Davis, Jr. was educated at Pahoa High School? I.e. whether he was in special education classes or advance placement classes; or whether he was under constant supervision.

Answer:

INTERROGATORY 7

What reasons or explanations were provided to you as to Mark Davis, Jr.'s educational placement/supervision in Pahoa High School? Identify all persons who gave you such reasons or explanations.

Answer:

INTERROGATORY 8

Please describe as best you can, your knowledge as to how Mark Davis, Jr. was educated at Hanstein Elementary School in Michigan? i.e. Whether he was in special education or advance placement classes; whether he was under constant supervision; or other.

Answer:

INTERROGATORY 9

What reasons or explanations were provided to you as to Mark Davis, Jr.'s educational placement/supervision in Hanstein Elementary School in Michigan? Identify all persons who gave you such reasons or explanations.

Answer:

INTERROGATORY 10

Please state the reasons or explanations given to you as to why Mark Davis, Jr. was in a self-contained classroom in Detroit, and identify all persons who gave you such explanation and/or reason.

Answer:

INTERROGATORY 11

Please describe all incidents that any school personal, teacher, principal or counselor concerning Mark Davis, Jr.'s behavior contacted you.

Answer:

INTERROGATORY 12

Please describe your occupation on September 27, 2001. Identify your place of employment, your supervisor, number of hours worked that day and, on average per week, your salary; and briefly describe your duties at work.

Answer:

INTERROGATORY 13

Please describe Mark Daniel Davis's occupation on September 27, 2001. Identify his place of employment, his supervisor, number of hours worked that day and on average per week, his salary; and briefly describe his duties at work.

Answer:

INTERROGATORY 14

You stated in your answer to Plaintiff's First Request for Answers to Interrogatories, that you did not recall what your activities were on September 27, 2001, please state what you told the police as to what you did that day or state all reasons and explanations as to why you no longer recall what your activities were on September 27, 2001.

Answer:

INTERROGATORY 15

Describe as fully as you can your activities on a typical weekday during the month of September 2001.

Answer:

INTERROGATORY 16

Describe all of Mark Davis, Jr.'s activities on September 27, 2001, as much as witnessed by you, from the time he woke up to the time he went to sleep that night.

Answer:

INTERROGATORY 17

Describe as fully as you can Mark Davis, Jr.'s activities, as much as witnessed by you, on a typical weekday during the month of September 2001.

Answer:

INTERROGATORY 18

Name all supervisors, babysitters and other people whom you have hired or instructed to watch or supervise Mark Davis, Jr. on September 27, 2001. Please include their addresses and ages on that date.

Answer:

INTERROGATORY 19

Name all supervisors, babysitters and other people whom you have hired or instructed to supervise or watch Mark Davis, Jr. on a typical weekday during the month of September 2001. Please include their addresses and ages on that date.

Answer:

INTERROGATORY 20

Describe all of Mark Daniel Davis' activities on September 27, 2001, as much as witnessed by you, from the time he woke up to the time he went to sleep that night.

Answer:

INTERROGATORY 21

Describe as fully as you can Mark Daniel Davis' activities, as much as witnessed by you, on a typical weekday during the month of September 2001.

Answer:

STATE OF _____)
) SS:
COUNTY OF _____)

I, ELLEN PEARL DAVIS, being first duly sworn, deposes, and says that they have read the foregoing answers to interrogatories and responses to the requests for admissions, know the contents thereof and that the matters and things stated therein are true.

ELLEN PEARL DAVIS

Subscribed and sworn to before me this

_____ day of _____ 2005.

NAME: _____
Notary Public, Third Judicial Circuit
State of Hawaii

My commission expires: _____

PAHOA ELEMENTARY
OFFICE REFERRAL FORM

STUDENT Mark Davis GRADE 6 DATE 2/27 TIME 10:50

REFERRING STAFF D. Prante IEP ☐ Y ☐ N ☐

LOCATION

☐ Classroom ☐ Cafeteria ☐ Bus loading zone
☐ Playground ☐ Restroom ☐ Assembly/field
☐ Hallway ☐ Library ☒ Other Computer lab

PROBLEM BEHAVIOR(S)

☐ Inappropriate language ☐ Tardy ☒ Harassment/tease/taunt
☐ Fighting/ physical aggression ☐ Property damage ☐ Possession of weapons
☐ Disrespect/ insubordination ☐ Forgery/theft ☐ Disruption
☐ Lying/ cheating ☐ Vandalism ☐ Other _____

POSSIBLE MOTIVATION(S)

☐ Obtain peer attention ☐ Avoid tasks/ activities ☒ Don't know
☐ Obtain adult attention ☐ Avoid peer(s) ☐ Other _____
☐ Obtain items/ activities ☐ Avoid adults(s)

OTHERS INVOLVED

☒ Peer(s) ☐ Staff ☐ None ☐ Teacher ☐ Substitute ☐ Unknown

COMMENTS

Scarlett Johnson reported that Mark is making inappropriate facial & eye gestures that she feels are sexually harassing in nature. This is a continuing problem.

ADMINISTRATIVE ACTION

☒ Time in office ☐ Detention Date(s) _____
☐ Parent Contact ☐ In-school suspension Date(s) _____
☐ Loss of privilege ☐ Suspension Dates(s) _____
☒ Counseled with student

FOLLOW-UP COMMENTS

Parents notified. At this time need to follow procedures with counseling and speaking with parents due to Nudicap condition.

Administrator's signature C. Johnson

Date 2-28-01

Copies: ☐ Administration ☐ Parent ☐ Counselor ☐ Teacher ☒ Hm Rm Teacher

EXHIBIT "A"

PAHOA ELEMENTARY
OFFICE REFERRAL FORM

STUDENT Mark Davis GRADE 6 DATE 1/26/11 TIME 1:40 pm

REFERRING STAFF D. Pranke IEP Y N

LOCATION

<input type="checkbox"/> Classroom	<input type="checkbox"/> Cafeteria	<input type="checkbox"/> Bus loading zone
<input type="checkbox"/> Playground	<input type="checkbox"/> Restroom	<input type="checkbox"/> Assembly/field
<input checked="" type="checkbox"/> Hallway	<input type="checkbox"/> Library	<input type="checkbox"/> Other _____

PROBLEM BEHAVIOR(S)

<input type="checkbox"/> Inappropriate language	<input type="checkbox"/> Tardy	<input checked="" type="checkbox"/> Harassment/tease/taunt
<input type="checkbox"/> Fighting/ physical aggression	<input type="checkbox"/> Property damage	<input type="checkbox"/> Possession of weapons
<input type="checkbox"/> Disrespect/ insubordination	<input type="checkbox"/> Forgery/theft	<input type="checkbox"/> Disruption
<input type="checkbox"/> Lying/ cheating	<input type="checkbox"/> Vandalism	<input type="checkbox"/> Other _____

POSSIBLE MOTIVATION(S)

<input type="checkbox"/> Obtain peer attention	<input type="checkbox"/> Avoid tasks/ activities	<input checked="" type="checkbox"/> Don't know
<input type="checkbox"/> Obtain adult attention	<input type="checkbox"/> Avoid peer(s)	<input type="checkbox"/> Other _____
<input type="checkbox"/> Obtain items/ activities	<input type="checkbox"/> Avoid adults(s)	

OTHERS INVOLVED

☒ Peer(s) ☐ Staff ☐ None ☐ Teacher ☐ Substitute ☐ Unknown

COMMENTS

Mark made suggestive eye contact to several girls waiting to attend the Ram Talent Search. They said (Mrs. Chow confirmed) this type of behavior was covered in class. Girls said Harassment is pervasive and continuous.

ADMINISTRATIVE ACTION

<input type="checkbox"/> Time in office	<input type="checkbox"/> Detention	Date(s) _____
<input type="checkbox"/> Parent Contact	<input checked="" type="checkbox"/> In-school suspension	Date(s) <u>2-6-01</u>
<input type="checkbox"/> Loss of privilege	<input type="checkbox"/> Suspension	Dates(s) _____
<input type="checkbox"/> Counseled with student		

FOLLOW-UP COMMENTS

Conferenced with father. Mr. Davis believes that it is the girls who are approaching Mark and that there means no harm. It discusses the seriousness of the offense

Administrator's signature

Cheryl Attarsin

Date 2-2-01

Copies:

☐ Administration

☐ Parent

☐ Counselor

☐ Teacher

☒ Hm Rm Teacher

EXHIBIT

"B"